

UNITED STATES DISTRICT COURT

for the

Eastern District of California

United States of America

v.

)

)

) Case No: 1:99-CR-5265 OWW

) USM No: 59074-097

) DAVID M. PORTER

) Defendant's Attorney

Date of Previous Judgment: Amended 5/8/01  
(Use Date of Last Amended Judgment if Applicable)

**Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)**

Upon motion of  the defendant  the Director of the Bureau of Prisons  the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

**IT IS ORDERED** that the motion is:

DENIED.  GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 164 months **is reduced to** 146 months.

**I. COURT DETERMINATION OF GUIDELINE RANGE** (Prior to Any Departures)

Previous Offense Level: 32

Amended Offense Level: 31

Criminal History Category: III

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Previous Guideline Range: 151 to 188 months

Amended Guideline Range: 135 to 168 months

**II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE**

The reduced sentence is within the amended guideline range.

The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.

Other (explain):

**III. ADDITIONAL COMMENTS**

Except as provided above, all provisions of the judgment dated 5/8/01 shall remain in effect.

**IT IS SO ORDERED.**

Order Date: 12/11/08

/s/ OLIVER W. WANGER

Judge's signature

Effective Date: 12/4/2008  
(if different from order date)

OLIVER W. WANGER, US DISTRICT JUDGE

Printed name and title